

STEPHEN J. ERIGERO (NV BAR NO. 11562)
TIMOTHY J. LEPORE (NV BAR NO. 13908)
ROPERS MAJESKI PC
3753 Howard Hughes Pkwy, Suite 200
Las Vegas, NV 89169
Telephone: 702.954.8300
Facsimile: 213.312.2001
Email: stephen.erigero@ropers.com
timothy.lepore@ropers.com

Attorneys for Plaintiff/Counter-defendant
AMGUARD INSURANCE COMPANY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AMGUARD INSURANCE COMPANY,
Plaintiff,

v.

FRANK CHRISTIAN SIDORIS, an individual;
ALEXANDRIA GOMEZ, an individual;
VICTOR MANUEL AGUILERA, an
individual; PRIMO'S AUTO REPAIR LLC, a
Nevada limited liability company; DOES 1
through 10; and ROES 10 through 20,
inclusive,
Defendants.

And related actions

Case No. 2:23-cv-00965-RFB-DJA

Hon. Richard F. Boulware

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
PLAN AND SCHEDULING ORDER
(FIRST REQUEST)**

Plaintiff/Counter-Defendant AMGUARD INSURANCE COMPANY (“AmGUARD”),
Defendant FRANK CHRISTIAN SIDORIS (“Sidoris”), Defendant/Third-Party Plaintiff/Counter
Claimant ALEXANDRIA GOMEZ (“Gomez”), Third-Party Defendant GEICO ADVANTAGE
INSURANCE COMPANY, erroneously sued and served as GEICO CASUALTY COMPANY
(“GEICO”), Third-Party Defendant NEVADA INSURANCE SOLUTIONS, INC., (“Nevada
Insurance”), and FRANK GUZMAN (“Guzman”) (together, the “Parties”) by and through their
respective undersigned counsel of record, hereby stipulate and agree to extend the outstanding

1 discovery deadlines in this matter. This is the Parties' first request to extend discovery deadlines
2 in this matter.

3 1. The Parties participated in a Rule 26(f) conference on November 16, 2023.

4 2. Defendant Geico filed a Motion to Dismiss the Third-Party Complaint against it on
5 October 3, 2023. ECF No. 28.

6 3. A Motion to Dismiss Defendant and Counterclaimant Gomez' Counterclaim (ECF
7 No. 12) was filed by Defendant AmGUARD on October 27, 2023. ECF No. 36.

8 4. On November 21, 2023, Geico filed a Motion to Stay Discovery (ECF No. 41),
9 pending resolution of its pending Motion to Dismiss.

10 5. On November 17, 2023, Gomez filed a Motion to Dismiss AmGUARD's Complaint
11 for Lack of Subject Matter Jurisdiction. ECF No. 39.

12 6. The Parties submitted a Stipulated Discovery Plan and Scheduling Order, seeking
13 Special Scheduling Review, on December 5, 2023. ECF No. 44.

14 7. All three of the Motions to Dismiss have been fully briefed by the Parties and are
15 pending review by the Court. *See* ECF No. 28, 32, 34, 38, for Parties' submissions relating to
16 Geico's Motion to Dismiss; ECF No. 36, 38, 40, for Parties' submissions relating to AmGUARD's
17 Motion to Dismiss; and ECF No. 39, 47, 48, 55, and 56.

18 8. The initial Stipulated Discovery Plan and Scheduling Order was denied without
19 prejudice, as the Court requested a statement of the reasons why a longer or different time period
20 should apply. ECF No. 45.

21 9. The Parties submitted a Renewed Stipulated Discovery Plan and Scheduling Order
22 on December 18, 2023. ECF No. 51.

23 10. On December 20, 2023, the Court entered a Scheduling Order, granting the Parties'
24 Renewed Stipulated Discovery Plan and Scheduling Order, and entering the following deadlines in
25 this matter:

- 26 a. Rule 26(a)(1) Initial Disclosures: December 16, 2023
- 27 b. Amend Pleadings and Add Parties: February 14, 2024
- 28 c. Rule 26(a)(2) Disclosures (Experts):

1 d. Initial Expert Disclosure: March 15, 2024

2 e. Rebuttal Expert Disclosure: April 15, 2024

3 f. Close of Discovery: May 14, 2024

4 g. Dispositive Motions: June 13, 2024

5 h. Pretrial Order: July 15, 2024

6 11. On or about February 2, 2024, the Parties filed a Joint Motion to Substitute Party.
7 ECF No. 59.

8 12. The Joint Motion sought to substitute Claudia Morayman Del Hoyo as Special
9 Administrator for the Estate of Victor Manuel Aguilera in place of Defendant Victor Manuel
10 Aguilera, who is deceased. *See id.*

11 13. On or about February 5, 2024, this Court held a hearing on Defendant Geico's
12 Motion to Stay Discovery, during which the Court granted the Motion to Stay Discovery. ECF No.
13 61. As stated on the record, it was further ordered that, if Geico's Motion to Dismiss is denied and
14 an amended Complaint is allowed and filed, a proposed discovery plan and scheduling order will be
15 due 14 days after such decision. *See id.*

16 14. On February 15, 2024, Third-Party Defendants NEVADA INSURANCE
17 SOLUTIONS, INC. and FRANK GUZMAN made their first appearance in this action, by filing an
18 Answer to the Third-Party Complaint. ECF No. 64.

19 15. On February 20, 2024, the Court entered an Order, granting the Joint Motion to
20 Substitute Party. ECF No. 65.

21 16. In light of the pending dispositive motions, and related discovery stay, as well as the
22 newly appearing third-party defendants, and the substitution of a party, the Parties have not been
23 able to fully engage in discovery in this matter.

24 17. Accordingly, to date, the only discovery that has been completed is a 26(f)
25 conference, and the Parties need to make initial disclosures, to exchange and respond to written
26 discovery demands, as well as respond to any disputes that arise during the discovery process,
27 participate in both party and non-party depositions, and, potentially, identify and retain appropriate
28 expert witnesses, and prepare the same for depositions.

18. In light of the foregoing, as well as the complexity of the issues at hand, the anticipated voluminous document (including significant e-discovery) production, as well as the potential need for multiple parties to retain expert witnesses, the Parties are in agreement that excusable neglect exists to warrant the extension of the Parties' deadline to make initial disclosures, pursuant to Rule 26(a)(1), and good cause exists to warrant extending the remaining discovery deadlines in this matter.

19. This is the first request for an extension of these deadlines in this matter;

20. As good cause exists therefor, the Parties now respectfully request an extension of the deadline to make initial disclosures, and to extend the remaining deadlines in this matter, by 120 days, such that the remaining deadlines will be as set forth below:

Deadline	Current	Proposed
Rule 26(a)(1) Initial Disclosures:	December 16, 2023	March 31, 2024
Amend Pleadings and Add Parties	February 14, 2024	June 14, 2024
Rule 26(a)(2) Disclosures (Experts):		
Initial Expert Disclosure:	March 15, 2024	July 15, 2024
Rebuttal Expert Disclosure:	April 15, 2024	August 15, 2024
Close of Discovery:	May 14, 2024	September 16, 2024
Dispositive Motions:	June 13, 2024	October 16, 2024
Pretrial Order:	July 15, 2024	November 18, 2024

21. This Stipulation is entered into in good faith, jointly by all Parties hereto, and not for the purposes of delay.

22. Rather, it is sought by the Parties solely for the purpose of allowing sufficient time to conduct discovery in this case and to adequately prepare their respective cases for trial.

23. Moreover, as all Parties are jointly stipulating to the necessity and good cause for this extension, no Party will be prejudiced by the Court granting this Stipulation.

24. Accordingly, the Parties respectfully request that the Court enter grant the Parties' Stipulation, to Extend Discovery Deadlines for the reasons constituting good cause and excusable

neglect, as set forth herein and respectfully request that this Stipulation be entered as an Order by this Honorable Court.

Dated: March 15, 2024 By: /s/ Timothy J. Lepore
 TIMOTHY J. LEPORE (SBN 13908)
 STEPHEN J. ERIGERO (SBN 11562)
ROPERS MAJESKI PC
Attorneys for Plaintiff/Counter-defendant
 AMGUARD INSURANCE COMPANY

Dated: March 15, 2024 By: /s/ Joseph A. Gutierrez
 JOSEPH A. GUTIERREZ (9046)
MAIER GUTIERREZ & ASSOCIATES
Attorneys for Defendant
 FRANK CHRISTIAN SIDORIS and
 Defendant/Counterclaimant/Third-Party Plaintiff
 ALEXANDRIA GOMEZ

Dated: March 15, 2024 By: /s/ Jonathan W. Carlson
 JONATHAN W. CARLSON (10536)
**MCCORMICK, BARSTOW, SHEPPARD,
 WAYTE & CARRUTH, LLP**
Attorneys for Third-Party Defendant
 GEICO CASUALTY COMPANY

Dated: March 15, 2024 By: /s/ Philip Goodhart
 PHILIP GOODHART (5332)
**THORNDAL ARMSTRONG DELK
 BALKENBUSH & EISINGER**
Attorneys for Third-Party Defendants
 NEVADA INSURANCE SOLUTIONS, INC. and
 FRANK GUZMAN

ORDER

Plaintiff has filed two stipulations to extend discovery plan and scheduling order (ECF Nos. 66 and 67) on the docket. They appear to be identical. Accordingly, **IT IS THEREFORE ORDERED** that the parties' stipulation to extend discovery (ECF No. 67) is GRANTED. **IT IS FURTHER ORDERED** that the stipulation to extend discovery plan and scheduling order (ECF No. 66) is DENIED as moot.

DATED: 3/19/2024


 UNITED STATES MAGISTRATE JUDGE